UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/60/CO/4
21 May 2002

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Sixtieth session
4-22 March 2002

# CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

## Concluding observations of the Committee on the Elimination of Racial Discrimination*

## Croatia

1. The Committee considered the fourth and fifth periodic reports of Croatia (CERD/C/373/Add.1) at its 1499th and 1500th meetings, (CERN/C/SR.1499 and 1500) on 6 and 7 March 2002, and, at its 1517th meeting (CERD/C/SR.1517), on 19 March 2002, adopted the following concluding observations.

### A. Introduction

2. The Committee welcomes the report submitted by the State party and expresses its appreciation for the dialogue with the high-level delegation and for the answers given orally to the wide range of questions asked by members. While appreciating the extensive supplementary information given to it during the examination of the report, the Committee regrets that the responses to its previous concluding observations (CERD/C/304/Add.55), dated, 10 February 1999 were not included in the body of the State party report.

* Please note that the symbol CERD/C/Session No./CO/... will from now on replace the previous symbol CERD/C/304/Add...

3. The Committee regrets further that the report contains information mainly on the legal framework for the protection of rights of minorities and does not give sufficient information on the implementation of such legislation or on the extent to which minority communities enjoy the protection afforded by the Convention.

### B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that the State party is going through a challenging period of economic and social change in a period of post-war reconstruction, which has resulted in obstacles to the full implementation of the Convention.

### C. Positive aspects

5. The Committee welcomes the efforts of the State party to introduce legislative reform in accordance with international standards, and to establish institutions, programmes and policies to promote equality. In particular, the Committee welcomes the adoption of the Associations Act, the establishment of the Office for Human Rights, the elaboration of a project of education aimed at achieving equality for minorities and promoting multiculturalism, the implementation of programmes of human rights education within the school environment, and the introduction of human rights training for police officers and judges.

6. The Committee notes with appreciation the State party's statement of cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) as well as with relevant United Nations bodies, including the Office of the High Commissioner for Human Rights (OHCHR), and regional organizations.

7. The Committee welcomes the State party's stated commitment to involve non-governmental organizations (NGOs) in the preparation of its next periodic report to the Committee, as well as its statement of intent to subscribe to article 14 of the Convention.

### D. Concerns and Recommendations

8. The Committee reiterates its concern about the lack of clarity as to the various definitions used in the report and in domestic legislation to describe ethnic and national minorities. The Committee is concerned that the recent withdrawal of the draft Constitutional Law on the Rights of National Minorities will create further delays in legislative protection for such minorities. The Committee recommends that the State party include in its next periodic report clarification as to the legal definitions used for describing the various minorities. It encourages the State party to finalize the Constitutional Law on the Rights of National Minorities in conformity with international standards and to include information regarding this matter in its next report.

9. It is noted that statistical data provided in the State party report are based on the 1991 census and that the results of the 2001 census are still pending. The Committee is concerned that the delay in the publication of the results may create distrust among communities and has presented some difficulties for the Committee in undertaking an effective analysis of issues affecting minorities. The Committee strongly encourages the State party to finalize and publish the general population census conducted in 2001 in order inter alia to implement

provisions of the law affecting political representation as well as to ensure, as necessary, special protection and benefits for ethnic minorities. Moreover, it is recommended that the next periodic report include updated statistical data on the demographic composition of the Croatian population.

10. With respect to article 2 of the Convention, the Committee remains concerned about the limited representation of minorities in the Croatian Parliament. While it is noted that the Act on Election of Representatives to the Croatian State Parliament provides for proportional representation of minorities, the Committee is concerned that not all minority groups are included in this process while others are underrepresented. In particular, it is noted that Bosnians are not included in the list of minorities who may exercise the right to be represented in Parliament. It is recommended that the State party take further measures to ensure fair and adequate representation of all groups of minorities in the Croatian Parliament and to include in its next report information concerning the measures taken in this regard.

11. The Committee expresses concern at the continued practice of segregation of Roma children within the educational system and at the reports of discrimination against the Roma regarding access to employment, health, political representation and citizenship rights. The Committee recommends that the State party pay particular attention to the situation of the Roma and take effective measures to prevent the segregation of Roma children within the educational system. The Committee further recommends that the State party strengthen its efforts to address the high drop-out and poor performance rates of Roma children and guarantee non-discrimination, especially as regards respect for their cultural identity, language and values. The Committee also encourages the State party to reinforce its efforts to train and recruit Roma teachers and to prevent discrimination against the Roma in access to employment, health, political representation and citizenship rights.

12. The Committee reiterates its concern regarding the lack of legal provisions to implement the State party's obligations under article 4 (b) of the Convention, notably the absence of legislative measures prohibiting incitement to racial discrimination and violence. Concern is also expressed about the adequacy of efforts by the State party to investigate and prosecute persons responsible for fomenting ethnic hatred, especially in the localities affected by war. In this connection, the Committee notes that there have been no convictions by the courts for incitement to racial discrimination and violence, despite the significant number of such allegations. The Committee recommends that the State party comply fully with the obligations under article 4 of the Convention and that the necessary legislative measures be taken in order to give full effect to the provisions of that article and to declare illegal and prosecute incitement to ethnic hatred and racial violence.

13. While noting the challenges confronted by the State party in meeting the needs of large numbers of refugees, returnees and displaced persons, the Committee is concerned that return is still hindered by legal and administrative impediments and hostile attitudes adopted by some central and local officials. In this regard, concern is further expressed about allegations of inconsistency and lack of transparency in the National Programme for Return. The Committee is particularly concerned about the insufficient efforts of the State party to prevent discrimination

against minorities, especially Croatian Serbs, in addressing issues of restitution of property, tenancy and occupancy rights, reconstruction assistance, as well as the inter-related issues of residency and citizenship rights. The Committee recommends that the State party introduce further measures to ensure fairness, consistency and transparency in the National Programme for Return. Further, the State party is strongly urged to take effective measures to prevent discrimination, especially against Croatian Serbs, particularly as regards the restitution of their property, tenancy and occupancy rights, access to reconstruction assistance and rights to residency and citizenship. It is recommended that the State party provide in its next periodic report information concerning the steps taken to introduce effective legal and administrative regimes to resolve these issues. The Committee draws the attention of the State party to its general recommendation XXII concerning the rights of refugees and displaced persons.

14. With respect to article 5 of the Convention, the Committee restates its concern regarding inconsistency between articles 8 and 16 of the Croatian Law on Citizenship, which appears to establish different criteria in granting citizenship to ethnic Croats as compared to other nationalities in Croatia. Concern is expressed that many former long-term residents of Croatia, particularly persons of Serb origin and other minorities, have been unable to regain residency status despite their pre-conflict attachment to Croatia. With respect to the acquisition of citizenship, the Committee again strongly urges that the State party undertake measures to ensure that all provisions of the Croatian Law on Citizenship are in conformity with article 5 of the Convention, and that the law is implemented in a non-discriminatory manner. The Committee also recommends that measures be taken to ensure that former long-term residents of Croatia are able to reclaim their status as citizens and/or residents on a non-discriminatory basis.

15. The Committee is concerned about repeated claims of discriminatory application of the right to equal treatment before the law, particularly in the area of property claims, where the courts reportedly continue to favour persons of Croat origin. The Committee also notes the large backlog of cases before the courts, which impedes access to justice. The Committee recommends that the State party reinforce its efforts to ensure non-discrimination in the application of the right to equal treatment before the law, particularly in the area of repossession of property. The Committee further recommends that the State party include detailed information in its next periodic report concerning the measures taken to reduce the backlog of cases before the courts and improve access to justice.

16. While noting the efforts of the State party to introduce training for the police and judges, the Committee is concerned about the sufficiency of efforts to raise public awareness about the Convention, promote tolerance and discourage prejudice against certain minorities. The Committee recommends that the State party strengthen its efforts to familiarize the public with the Convention, in order to reduce the level of prejudice against certain minorities, and to promote tolerance. In this regard, the State party should reinforce its efforts to provide instruction on international human rights standards in all schools and organize training programmes for persons engaged in the administration of justice, including judges, lawyers and law enforcement officials.

17. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

19. The Committee recommends that the State party submit its sixth periodic report together with the seventh report, due on 8 October 2004, as an updating report responding to the points raised in the present observations.

- - - - -